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09/847,145	05/02/2001	Wolfgang Theimer	473-010326-US(PAR)	6585

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PERMAN & GREEN
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EXAMINER
NGUYEN, LE V

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/847,145	THEIMER, WOLFGANG
		Examiner	Art Unit	
		Le Nguyen	2174	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 January 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   This communication is responsive to an amendment filed 1/27/06.

2.   Claims 1-21 are pending in this application. Claims 1, 10, 12 and 14 are

independent claims. Claim 1 has been amended; and, claims 11-21 have been added.

3.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim Rejections - 35 USC § 103

4.   Claims 1-3, 5-8, 10, 12, 14-16 and 18-20 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Osawa et al. ("Osawa") in view of Bush et al. ("Bush").

As per claim 1, although Osawa teaches a method for controlling a system,

especially an electrical and/or electronic system comprising a plurality of application

devices (Abstract; figs. 3a-3b), wherein control information input is interpreted in

accordance with available application devices (page 11, line 4 through page 12, line 1)

and an application device is controlled in accordance with the result of the interpretation

(page 13, lines 5-14), Osawa does not explicitly disclose a control information inputted

by a user independently of a permanently predetermined menu structure wherein the

control information is interpreted in accordance with available applications by checking

whether the control information is known, unambiguous and complete. Bush teaches a

method for controlling a system comprising a plurality of application devices wherein

control information inputted by a user independent of a permanently predetermined

menu structure is interpreted in accordance with available ones of the application

devices by checking whether the control information is known, unambiguous and

complete for one of the application devices (col. 5, lines 30-32; col. 22, lines 42-47).

Therefore, it would have been obvious to an artisan at the time of the invention to

include Bush's teaching of control information inputted by a user independent of a

permanently predetermined menu structure being interpreted in accordance with

available applications by checking whether the control information is known,

unambiguous and complete to Osawa's teaching of control information input being

interpreted in accordance with available application devices and an application device is

controlled in accordance with the result of the interpretation in order to provide users

with a visual indication that an error has occurred and alert them to the fact that their

input was not recognized.

As per claim 2, the modified Osawa teaches a method for controlling a system,

especially an electrical and/or electronic system comprising at least one application

device characterized in that the control information specified by a user is signaled back

to the user as announcement or indication for the purpose of acknowledgement

(Osawa: page 11 line 25 through page 12, line 25; fig. 3b, element S11; page 5, lines

19-21; page 17, line 20 through page 18, line 6; page 20, lines 6-7; *the control*

information specified by a user via the remote controller is inherently signaled back to

the user as announcement or indication for the purpose of acknowledgement so that

users have an indication as to what they are selecting).

As per claim 3, the modified Osawa teaches a method for controlling a system,

especially an electrical and/or electronic system comprising at least one application

device characterized in that control information input which allows a number of

possibilities for its interpretation is signaled back as selection list (Osawa: figs. 8-9;

page 11, line 25 through page 12, line 5; page 12, lines 17-25).

As per claim 5, the modified Osawa teaches a method for controlling a system,

especially an electrical and/or electronic system comprising at least one application

device characterized in that a check is made whether the control information is

complete in order to be able to execute a requested action, and that the user is

requested to complete the control information if this is not the case (Osawa: page 11,

lines 4-24; page 16, lines 3-24; page 18, lines 12-20).

As per claim 6, the modified Osawa teaches a method for controlling a system,

especially an electrical and/or electronic system comprising at least one application

device characterized in that the control information input as keyword or keywords is

compared with stored keywords for the purpose of interpretation (Osawa: page 10, lines

17-22).

As per claim 7, the modified Osawa teaches a method for controlling a system,

especially an electrical and/or electronic system comprising at least one application

device characterized in that the available application devices, control instructions and

control parameters are stored as keywords as control information (Osawa: page 9, lines

11-14; page 10, lines 17-22; *wherein the keyword(s) or code are stored in a table and*

used to conduct searching operations for control information).

As per claim 8, the modified Osawa teaches a method for controlling a system,

especially an electrical and/or electronic system comprising at least one application

device characterized in that the control parameters are stored as lists (Osawa: fig. 4;

page 9, lines 11-14).

As per claim 10, although Osawa teaches a method for controlling a system

having a plurality of application devices (Abstract; figs. 3a-3b), wherein control

information input is interpreted in accordance with available application devices (page

11, line 4 through page 12, line 1) and an application device is controlled in accordance

with the result of the interpretation (page 13, lines 5-14), Osawa does not explicitly

disclose control information inputted by a user independently of a permanently

predetermined menu structure wherein the control information is interpreted in

accordance with available applications by checking whether the control information is

known, unambiguous and complete and that in the event of the presence of a lack of

knowledge or ambiguity or incompleteness of the control information, the system

signaling to the user to resolve a lack of knowledge or ambiguity or incompleteness of

the control information wherein the signaling is independent of a permanently

predetermined menu structure and enables the user to enter a response for resolving

the lack of knowledge or ambiguity or incompleteness of the control information to

insure that the control information is known, unambiguous and complete for one of the

application devices. Bush teaches a method for controlling a system comprising a

plurality of application devices wherein control information inputted by a user

independently of a permanently predetermined menu structure is interpreted in

accordance with available ones of the application devices by checking whether the

control information is known, unambiguous and complete and that in the event of the

presence of a lack of knowledge or ambiguity or incompleteness of the control

information, the system signaling to the user to resolve the lack of knowledge or

ambiguity or incompleteness of the control information wherein the signaling is

independent of a permanently predetermined menu structure and enables the user to

enter a response for resolving the lack of knowledge or ambiguity or incompleteness of

the control information to insure that the control information is known, unambiguous and

complete for one of the application devices (col. 5, lines 30-32; col. 22, lines 42-47).

Therefore, it would have been obvious to an artisan at the time of the invention to

include Bush's teaching of control information inputted by a user independent of a

permanently predetermined menu structure being interpreted in accordance with

available applications by checking whether the control information is known,

unambiguous or complete and that in the event of the presence of a lack of knowledge

or ambiguity or incompleteness of the control information, the system signaling to the

user to resolve it wherein the signaling is independent of a permanently predetermined

menu structure and enables the user to enter a response for resolving the lack of

knowledge or ambiguity or incompleteness of the control information to Osawa's

teaching of control information input being interpreted in accordance with available

application devices and an application device is controlled in accordance with the result

of the interpretation so that users may be alerted of the operational status of the system

via visual indicators that an error has occurred due to unrecognizable input.

Claims 12 and 14 are individually similar in scope to claim 1 and are therefore

rejected under similar rationale.

Claim 15 is similar in scope to claim 2 and is therefore rejected under similar rationale.

Claim 16 is similar in scope to claim 3 and is therefore rejected under similar rationale.

Claim 18 is similar in scope to claim 5 and is therefore rejected under similar rationale.

Claim 19 is similar in scope to claim 6 and is therefore rejected under similar rationale.

Claim 20 is similar in scope to claim 7 and is therefore rejected under similar rationale.

5.   Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa et al. ("Osawa") in view of Bush et al. ("Bush") as applied to claim 2, and further in view of Darbee et al. ("Darbee").

As per claim 4, although the modified Osawa teaches a method for controlling a system, especially an electrical and/or electronic system comprising at least one application device characterized in that the control information specified by a user is signaled back to the user as announcement or indication for the purpose of acknowledgement (Osawa: page 11 line 25 through page 12, line 25; fig. 3b, element S11; page 5, lines 19-21; page 17, line 20 through page 18, line 6; page 20, lines 6-7), The modified Osawa does not explicitly disclose that the control information input which cannot be reliably interpreted is correspondingly marked in the return signaling. Darbee teaches a method for controlling a system, especially an electrical and/or electronic

system comprising at least one application device characterized in that the control

information input which cannot be reliably interpreted is correspondingly marked in the

return signaling (col. 21, lines 18-23; *i.e. marked or made visible as with an error*

message being displayed to the user upon a sponsor input not being recognized).

Therefore, it would have been obvious to an artisan at the time of the invention to

include Darbee's method for controlling a system, especially an electrical and/or

electronic system comprising at least one application device characterized in that the

control information input which cannot be reliably interpreted is correspondingly marked

in the return signaling to the modified Osawa's method for controlling a system,

especially an electrical and/or electronic system comprising at least one application

device characterized in that the control information specified by a user is signaled back

to the user as announcement or indication for the purpose of acknowledgement to

provide feedback so that users may take corrective action(s).

Claim 17 is similar in scope to claim 4 and is therefore rejected under similar

rationale.

6.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa et

al. ("Osawa") in view of Bush et al. ("Bush").

As per claim 9, although the modified Osawa teaches a method for controlling a

system, especially an electrical and/or electronic system comprising at least one

application device characterized in that control instructions are stored as data record for

the application devices affected and control parameters are stored as keywords as

control information (Osawa: page 9, lines 11-14; page 10, lines 17-22), Osawa does not

explicitly disclose the control instruction being stored together with dummy codes for the applications devices affected. Official Notice is taken that using a dummy to reserve space is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include the use of a dummy to Osawa's record so that space may be reserved until the intended item is available.

7.   Claims 11, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa et al. ("Osawa") in view of Bush et al. ("Bush") as applied to claims 1, 12 and 14, and further in view of Houser et al. ("Houser").

As per claim 11, although the modified Osawa teaches a method for controlling a system, especially an electrical and/or electronic system comprising at least one application device characterized in that control information is known, unambiguous and complete for one of the application devices (Bush: col. 5, lines 30-32; col. 22, lines 42-47), the modified Osawa does not explicitly disclose further information being requested in response to the control information being unknown, ambiguous or incomplete. Houser teaches information being requested in response to the control information being unknown, ambiguous or incomplete (col. 19, lines 26-36). It would have been obvious to an artisan at the time of the invention to incorporate the method of Houser with the method of the modified Osawa in order to resolve cases where the command is not recognized.

Claims 13 and 21 are individually similar in scope to claim 11 and are therefore rejected under similar rationale.

Response to Arguments

8.   Applicant's arguments with respect to claims 1-10 have been considered but are

moot in view of the new ground(s) of rejection, except for the following:

Applicant argued the following:

(a) Bush fails to disclose that the control information is interpreted in accordance

with available ones of the application *devices* by checking whether the control

information is known, unambiguous and complete for one of the application devices

without obeying a predetermined menu structure.

(b) Recognition of an input command in the sense of the present invention is

neither taught nor suggested by Osawa.

The examiner disagrees for the following reasons:

Per (a), in response to applicant's arguments against the references individually,

one cannot show nonobviousness by attacking references individually where the

rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413,

208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed.

Cir. 1986). Osawa teaches control information input is interpreted in accordance with

available application devices (page 11, line 4 through page 12, line 1). The teaching

extracted from Bush is for the feature of control information inputted by a user

independent of a permanently predetermined menu structure is interpreted in

accordance with available ones of the application devices by checking whether the

control information is known, unambiguous and complete for one of a plurality of

application devices (col. 5, lines 30-32; col. 22, lines 42-47; default or main menus as

well as submenus may be created wherein Bush's teaching is in accordance with

section [0009] of applicant's published specification of users being able to create

commands that take into consideration user's preference in organizing the command

structure in a voice or speech recognition environment so that the first recognizable or

known/unambiguous/complete command is followed by another recognizable or

known/unambiguous/complete command, the two commands being linked by a

common relationship).

Per (b), in response to applicant's arguments against the references individually,

one cannot show nonobviousness by attacking references individually where the

rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413,

208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed.

Cir. 1986). Osawa teaches control information input being interpreted in accordance

with available application devices (page 11, line 4 through page 12, line 1) and an

application device being controlled in accordance with the result of the interpretation

(page 13, lines 5-14). The teaching extracted from Bush is for the feature of the input

being received from a user (col. 5, lines 30-32; col. 22, lines 42-47).

Furthermore, the Office notes that applicant did not contest the factual assertion

set forth under Official Notice in paragraph two of section six of the Office Action of

1/12/05.

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Inquires

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571)**

272-4068. The examiner can normally be reached on Monday - Friday from 7:00 am to

3:30 pm (EST).   .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

LVN
Patent Examiner
April 4, 2006

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